

THE GRIFFITH FIRM

209 LINCOLN PLACE 6A
BROOKLYN, NEW YORK 11217
(718) 499-7867

MOBILE: (646) 645-3784
EMAIL: EG@THEGRIFFITHFIRM.COM

TELECOPIER: (718) 228-3777
URL: [HTTP://WWW.THEGRIFFITHFIRM.COM](http://WWW.THEGRIFFITHFIRM.COM)

February 16, 2024

VIA ECF

Hon. P. Kevin Castel, U.S.D.J.
United States District Court for the
Southern District of New York
500 Pearl Street, Courtroom 11D
New York, New York 10007

Re: *Neuman v. Garcia, et al.*, Case No. 1:20-cv-10723-PKC

Dear Judge Castel:

This is Plaintiff Phil Neuman's letter motion to extend the deadline for Final Pretrial submissions by one business day, from today, February 16, 2024, to Tuesday, February 20, 2024. I requested counsel for Defendant Jose Garcia to consent to this motion yesterday, he is considering the request but has not responded. The next conference is the Final Pretrial Conference on March 27, 2024.

1. The current and proposed deadlines for Final Pretrial Submissions are as follows:

<u>Event</u>	<u>Current Deadline¹</u>	<u>Extended Deadline</u>
Plaintiff files Final Pretrial Submissions	February 16, 2024	February 20, 2024
Defendant files Final Pretrial Submissions	March 1, 2024	March 5, 2024
Final Joint Pretrial Order	March 8, 2024	no change

2. This extension is necessary for me to have sufficient time to complete the Final Pretrial Submissions, including motions in limine, proposed voir dire, proposed jury instructions, proposed jury verdict and service of Neuman's draft of the Final Joint Pretrial Order. I expected

¹ Pursuant to your February 7, 2024 Endorsed Order [172].

These continuous requests are an abuse of the Court's time. The willingness to grant an extension seems to be the basis for seeking more extensions. If paragraph (ii) on p 2 of ECF 173 is true, perhaps counsel should have turned down the client matter in paragraph (i) on page 2. Reluctantly granted

SO ORDERED
[Signature]
USDJ
2-20-24

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to be able to accomplish this by the current deadline, today, but the following unexpected developments prevented me from doing so: (i) an emergency client matter arose that required me to commence a commercial arbitration case before the American Arbitration Association and seek emergency relief, which led to two preliminary hearings today and the scheduling of a third hearing on Wednesday, February 21, 2024; (ii) I am a solo practitioner with no other lawyers to handle my case load; and (iii) necessary repairs to my laptop computer (while I wait for a new one to be delivered).

3. Several prior extensions of the discovery deadlines were granted. *See* February 22, 2023 Endorsed Order [133]; March 30, 2023 Minute Entry; June 22, 2023 Endorsed Order [147]; September 12, 2023 Order [151]; Endorsed Order [162]. Since expert discovery closed on January 5, 2024, there has been one prior request to extend the deadlines for Final Pretrial Submissions, which was granted. *See* Endorsed Order [172] (granting one week extension).

4. I requested counsel for Defendant Jose Garcia to consent to this motion yesterday, he is considering the request but has not responded. Garcia's counsel expressed concern that if the extension is granted, the three days between Garcia's Final Pretrial Submissions on March 5, 2024 and the March 8, 2024 due date for the Final Pretrial Order might be insufficient to resolve controversies. I believe three days will be sufficient, however, especially since I will use the additional time to attempt to propose Final Pretrial Submissions that are well supported by the uncontested evidence and well-established legal principles. Yet, if additional time is necessary, the parties could request a short extension of the March 8, 2024 deadline for the Final Pretrial Order without affecting the March 27, 2024 Final Pretrial Conference or the trial date, which probably will not be scheduled until late May or June 2024. *See* Endorsed Order [170] (stating that the Court shall endeavor to accommodate the trial scheduling needs of counsel).

* * *

Thank you for considering this matter.

Sincerely,

/s/ Edward Griffith

Edward Griffith

EG:gb

cc: Julius A. Rousseau, III, Esq.
David James Ward, Esq.